

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

***Before the Honorable Judith C. Herrera
United States District Judge***

Clerk's Minutes

Case No.: CR 05-1849 JH

Date: June 1, 2006

Title: USA v. Dennis Wilson

Courtroom Clerk: Lincoln Sorrell

Court Reporter: Connie Jurado

() Albuquerque () Las Cruces (x) Santa Fe () Roswell ___ Bench warrant ordered

Type of Proceeding: Appeal of Order of Detention by Dennis Wilson

ATTORNEYS PRESENT:

For Plaintiff: James Braun

For Defendant Robert Gorence

PROCEEDINGS:

1:04 p.m. Court in session; attorney appearances. Mr. Gorence addresses the Court in support of his appeal of detention order. Mr. Gorence would like pretrial services to do a more thorough interview of the defendant. According to the transcript there was no proffer of evidence as to defendant's release risks; would like another detention hearing. Sets out the conditions under which defendant could be released (to 3rd party custodian.)

1:12 p.m. Government is prepared to proceed by proffer

1:12 p.m. Mr. Gorence objects and would like to have evidence from the case agent.

1:14 p.m. Mr. Braun states he can go forward with only a proffer and both attorneys argue respective positions using the same statute.

1:17 p.m. Court to Deft: any Tenth Circuit law on the issue? Deft: No, with explanation; circuit hasn't been confronted with it.

1:19 p.m. Mr. Braun for the Government argues in opposition of appeal. Sets out reasons why defendant should be incarcerated.

1:23 p.m. Mr. Gorence responds. Sets out questions he would have of a live witness rather than the proffer.

1:27 p.m. Deft calls Dennis Wilson; sworn; direct exam begins

1:39 p.m. Mr. Braun cross-examines witness

1:44 p.m. No redirect; no other testimony. Mrs. Wilson (wife) is in court and has been interviewed by Pretrial services. Give closing argument. Deft would post a bond of the equity of defendant's house.

1:49 p.m. Government closing argument.

1:50 p.m. Court: Defendant has not rebutted presumption and poses risk of flight and danger to community. Appeal is denied; defendant will remain in custody.

1:53 p.m. Court in recess.